

ZB# 05-46

Marilyn Thompson

27-3-9

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 9-12-05



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE ZONING BOARD OF APPEALS

January 17, 2006

Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-46

Dear Ms. Thompson:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 27-3-9

In the Matter of the Application of

MARILYN THOMPSON

MEMORANDUM OF
DECISION GRANTING

INTERPRETATION

CASE #05-46

WHEREAS, Marilyn Thompson, owner(s) of 10 Barclay Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Interpretation and/or use variance for Single Family dwelling with two kitchens OR a two-family dwelling (300-90) at 10 Barclay Rd in an R-4 Zone (27-3-9)

WHEREAS, a public hearing was held on September 12, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a One Family Dwelling located in a neighborhood of one Family Dwellings in an R-4 zone.
 - (b) The Dwelling Unit contains a downstairs kitchen in the bottom or first floor of the house.
 - (c) This additional "kitchen" has been in existence since 1997, during which time there have been no complaints either formal or informal about the kitchen.

- (d) The premises is occupied as a One-Family Dwelling containing a family which includes one or more persons exhibiting the generic character of a traditional family.
- (e) The "Downstairs Kitchen" is serviced by the same utilities including, but not limited to, water, electric and heat as is the rest of the dwelling. There is no separate service to any portion of the dwelling nor is there provision for such service to be made in the future.
- (f) The "Downstairs Kitchen" is not separated from the rest of the house by any locked or lockable doors, passageways or portals.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The Premises is a One-Family Dwelling occupied by a single family as defined in the Zoning Law of the New Windsor Town. This is a use allowed by said law.
2. There is a single Dwelling Unit on the premises which contains no cooking or sanitary facilities in common with any other dwelling unit.
3. The existence of more than one "Kitchen" on the premises does not affect its status as a One-Family Dwelling and its use as a Two-Family Dwelling or a Multi-Family Dwelling is expressly prohibited.
4. This decision is not intended to permit and may not be used, cited or interpreted to permit or allow the use of this premises as a Two-Family Dwelling or a Multi-Family Dwelling.

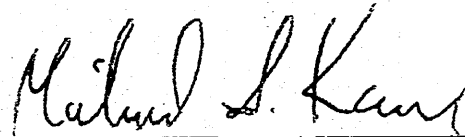
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Interpretation and/or use variance for Single Family dwelling with two kitchens OR a two-family dwelling (300-90) at 10 Barclay Rd in an R-4 Zone (27-3-9) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 12, 2005



Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 10/24/05
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 341.81 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-46

NAME & ADDRESS:

**Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R. 10/24/05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-46

TYPE: INTERPRETATION

TELEPHONE: 569-1643

APPLICANT:

Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>4993</u>

ESCROW: COMMERCIAL \$500.00 CHECK # 4992



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>2</u>	PAGES	<u>\$11.00</u>	<u>\$35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>
PUBLIC HEARING:	<u>5</u>	PAGES	<u>\$27.50</u>	<u>\$35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>

LEGAL AD: Publish Date: 8/27/05 \$49.69

TOTAL: \$88.19 \$70.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$158.19

AMOUNT DUE: \$

REFUND DUE: \$341.81

Cc:

L.R. 10/24/05

August 8, 2005

14

MARILYN_THOMPSON_(05-46)

MR. KANE: Request for interpretation and/or use variance for single-family dwelling with two kitchens or a two-family dwelling at 10 Barclay Road.

Ms. Marilyn Thompson appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. THOMPSON: Well, I want to make my basement legal, it's basically exactly the way it was when I bought my house and I never realized that there was a problem with it. Now I'm refinancing my mortgage.

MR. KANE: That's usually when it all comes up.

MS. THOMPSON: There's a second kitchen down there, it's been down there but I use it because of the nature of my house which when you walk in the front door you're on ground level but when you walk in the back, you're on ground level as well, so we have French doors there and we have an inground pool so it's always been handy to use that when we have things in the back yard, stuff like that. And I have a large family, five kids, four grandkids so I mean we have just always needed it.

MR. KANE: Again, to repeat we're not against second kitchens, I grew up with a summer kitchen, cooking out of the basement, it was good, we just want to make sure everything is legitimate and up and not being used for an illegal apartment so we've got you on record.

MS. THOMPSON: I wish.

MR. KANE: The kitchen itself is going to be on same utilities that's serving the whole house?

MS. THOMPSON: It's always been that way.

August 8, 2005

15

MR. KANE: Your intent is to always use it as a single family house with two kitchens, never putting an apartment or allow an apartment in the basement?

MS. THOMPSON: No, my goal is to get enough of my kids to leave home so I can sell this house.

MR. KANE: Any other question by the board? I'll accept a motion.

MR. BROWN: Make a motion we set up Marilyn Thompson's request for interpretation and/or use variance for single family dwelling with two kitchens at 10 Barclay Road in an R-4 zone.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MS. GANN	AYE
MR. BROWN	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MARILYN_THOMPSON_(05-46)

Ms. Marilyn Thompson appeared before the board for this proposal.

MR. REIS: Request for interpretation and/or use variance for single family dwelling with two kitchens or a two family dwelling at 10 Barclay Road. Tell us what you want to do.

MS. THOMPSON: I just want to be able to leave my downstairs kitchen in place. The house is exactly the way it was when we bought it and I just want to be able to leave it there. It showed up as a violation on my assessor's card, I guess after I grieved my taxes a few years ago, you know, it's always just been, you know, something that we use part of the house, unfortunately, I have a huge family, we have a bar down there, like a big family room and we use the one room as like an extra, just like an extra room and then one is like full of junk which I'd really like to kind of clean up but there always seems to be more junk.

MR. REIS: So you're utilizing this space for your own family?

MS. THOMPSON: Yes.

MR. REIS: You're not renting this out to another party?

MS. THOMPSON: No, I've got five kids and four grand kids, nieces and nephews.

MR. REIS: What brings you to the board at this point?

MS. THOMPSON: Because I refinanced my mortgage and it showed up as a violation so I have to get it straightened out.

MR. REIS: As you heard with the last--

MS. THOMPSON: I didn't hear, actually, I was way in the back.

MR. REIS: Just a quick review in this zone the Town does not allow two family dwellings, the best you could hope for is that they, the board will pass your request to have two kitchens in a single family home, that this could never be sold as a two family or no such thing as a mother-daughter situation.

MS. THOMPSON: No.

MR. KRIEGER: It's a single family house, it will always be a single family house, it's always been a single family house, you'll always hold it out to others as being a single family house?

MS. THOMPSON: Yes, it was sold to me as single family house.

MR. KRIEGER: Well, all I just said is correct, right?

MS. THOMPSON: Yes, it's basically, I don't know if you, it's a very big house, very big and when you walk into the back yard by the time you get into the yard you're down one flight. So my basement is actually in the kitchen area, we have french doors that open and there's a patio there and an inground pool so it's relevant because otherwise, if I'm upstairs and we have like when we had my son's 30th birthday party, it would be going down a whole flight of stairs with everything to get to the yard. So we always have just, you know, it's been great to use down there for that purpose.

MR. REIS: Thank you. Any questions before we open it up to the public? Is there anyone here in the audience that would like to speak on this? We'll close the public hearing. Board, any questions at this time?

The house is heated by a single furnace?

MS. THOMPSON: I have, I used to have two furnaces for different zones.

MR. KRIEGER: It's one system?

MS. THOMPSON: Yeah.

MR. KRIEGER: This isn't on a separate?

MS. THOMPSON: No, everything feeds together.

MR. REIS: One electric meter?

MS. THOMPSON: It's only one meter. Unfortunately, I don't have any air conditioning down there.

MR. REIS: The space that contains the two kitchens there's no locking door that's separating that from the rest of the home?

MS. THOMPSON: No, we have a door at the head of the stairs that I have like a, to keep the cat litter pans downstairs and downstairs there's another door that doesn't, like it doesn't even have a doorknob on it.

MR. REIS: We go on record strictly for the record that this is a single family home, will always be represented as a single family home and you understand that and if you should decide to sell this tomorrow that you will represent it to others as a single family home?

MS. THOMPSON: Being a real estate agent for 14 years, I get the drill, yeah, I kind of know that.

MR. REIS: Thank you, Marilyn. Any other questions? Can I hear a motion, please?

September 12, 2005

41

MR. BROWN: Make a motion that we grant Marilyn Thompson's request for a variance for interpretation and/or use variance for a single family dwelling with two kitchens or a two-family dwelling at 10 Barclay Road in an R-4 zone.

MR. REIS: We're going to make this as an interpretation as a single family, not any variance.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

September 12, 2005

42

FORMAL DECISIONS

1. Exxon
2. Couser
3. Stuetzle
4. Guerrero
5. Schulze
6. Ciero
7. Welch

MR. REIS: Formal decisions, can we get a vote on the formal decisions?

MS. LOCEY: I'll offer a motion that the formal decisions as detailed on the agenda for the September 12, 2005 New Windsor Zoning Board of Appeals meeting be accepted as presented.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

Respectfully Submitted By:

Frances Roth
Stenographer (9/13/05)

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: July 20, 2005

APPLICANT: Marilyn Thompson
10 Barclay Rd.
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: July 18, 2005

FOR : Marilyn Thompson

LOCATED AT: 10 Barclay Rd.

ZONE: R-4 **Sec/Blk/ Lot:** 27-3-9

COPY

DESCRIPTION OF EXISTING SITE: EXISTING TWO FAMILY HOUSE IN A ONE FAMILY ZONE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. EXISTING 2ND KITCHEN IN BASEMENT CREATES A TWO FAMILY HOME.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE: A6

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unchecked inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plat plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUL 18 2005

FOR OFFICE USE ONLY:
Building Permit #: 2005-720

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises Marilyn Thompson

X Address 10 Barclay Rd NW Phone # 914 213-2165
569-1643

X Mailing Address 10 Barclay Rd NW Fax # 5650005

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 27 Block 3 Lot 9

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Single Family w/ Kitchen Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Existing Alterations

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories Finished Basement w/ 2nd Kitchen, 1 Bedroom

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____ 1 Full Bath

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00 **PAID**

ZONING BOARD cut # 4985 2-21-76

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Permitted to New York State Building Code and Town Ordinance

Date _____

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krysheer
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4665 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X W. J. Thompson
(Signature of Applicant)

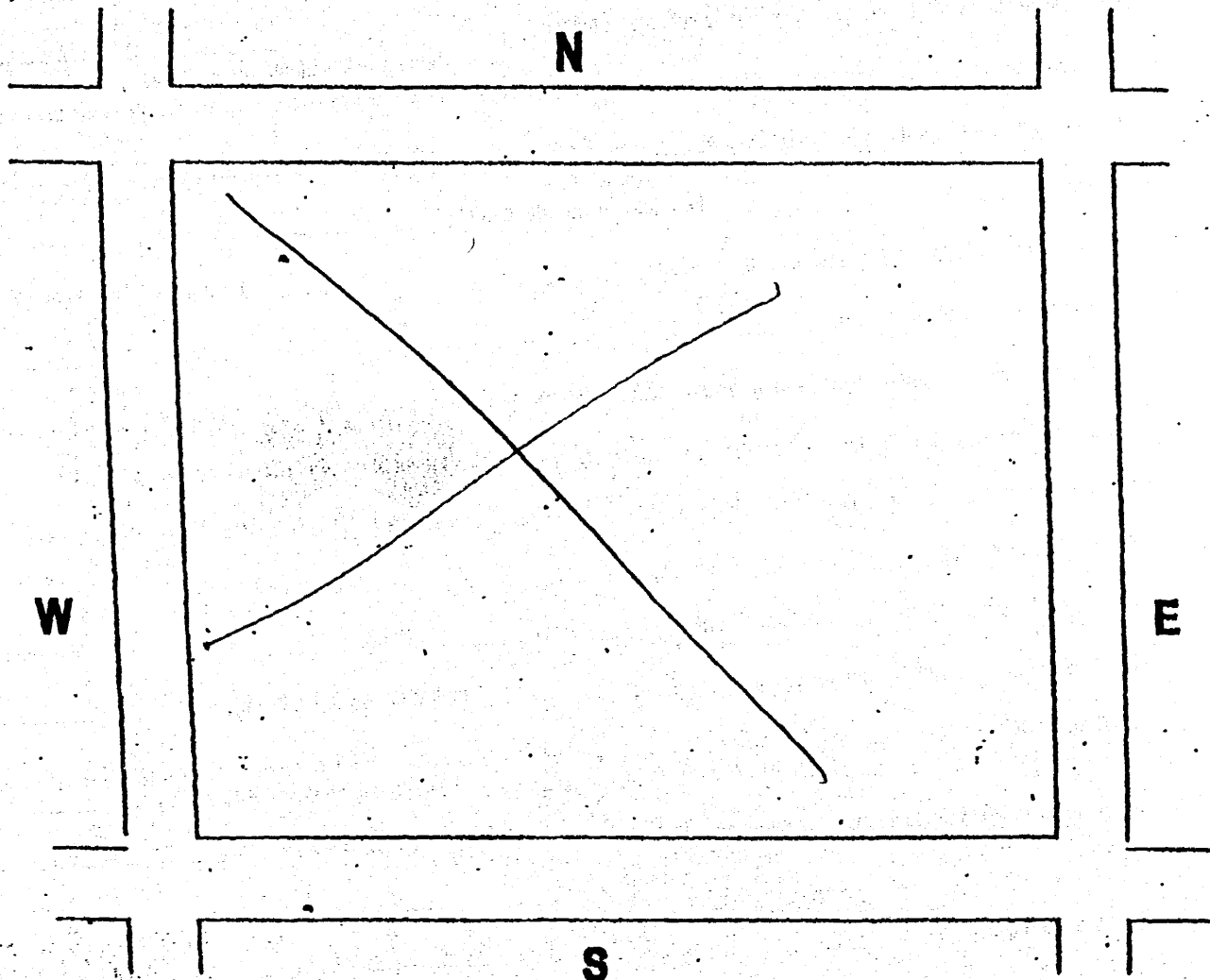
X 10 Bardway Rd
(Address of Applicant)

X G. J. Thompson
(Owner's Signature)

X 10 Bardway Rd
(Owner's Address)

PLOT PLAN

Drawings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

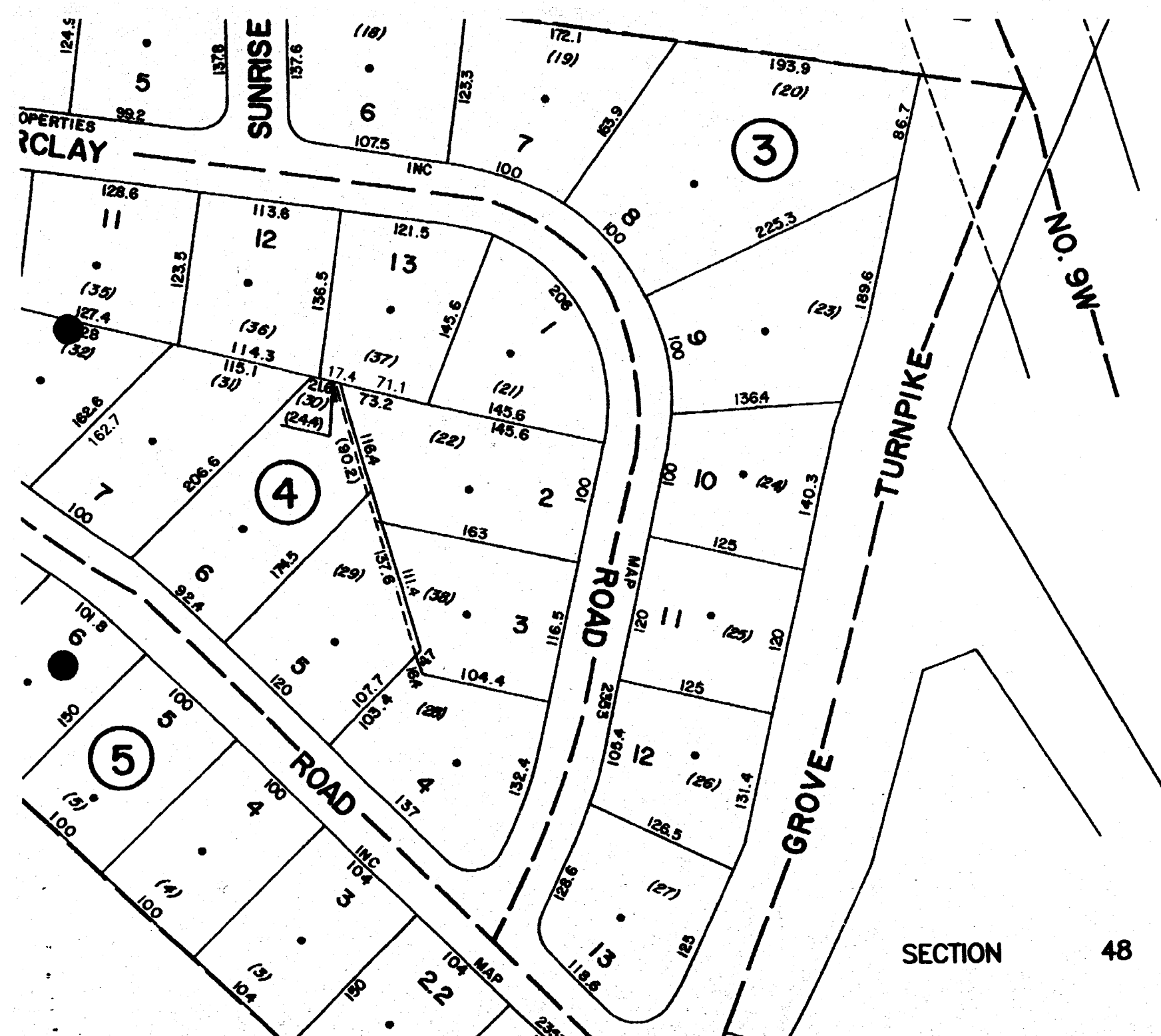


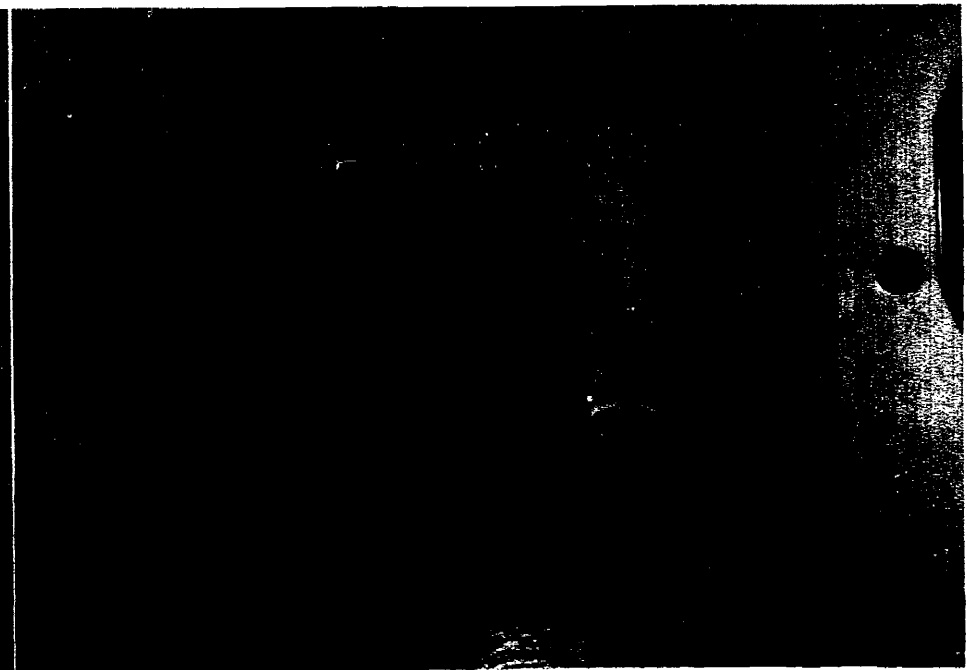
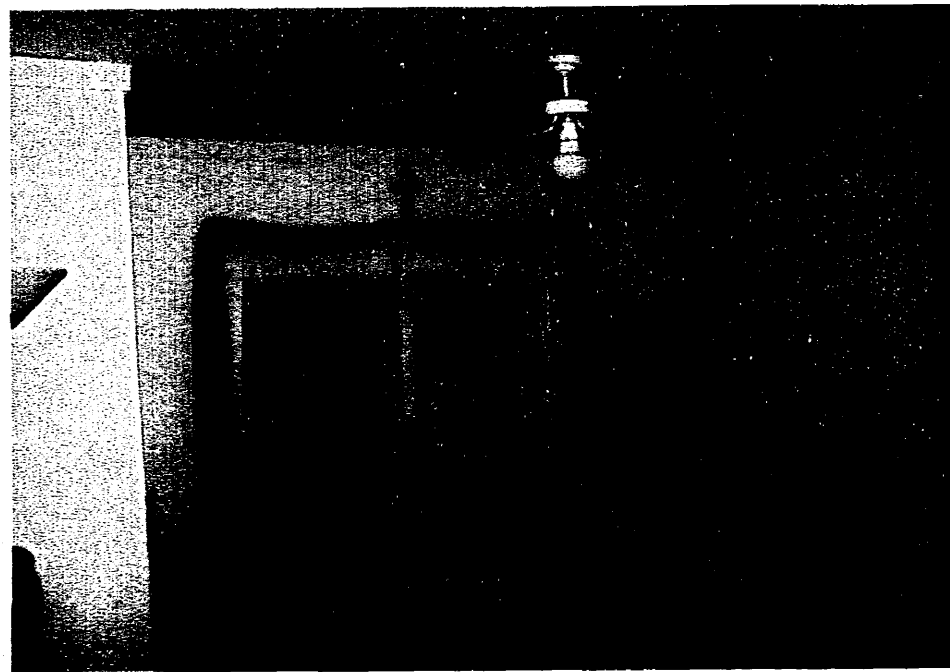
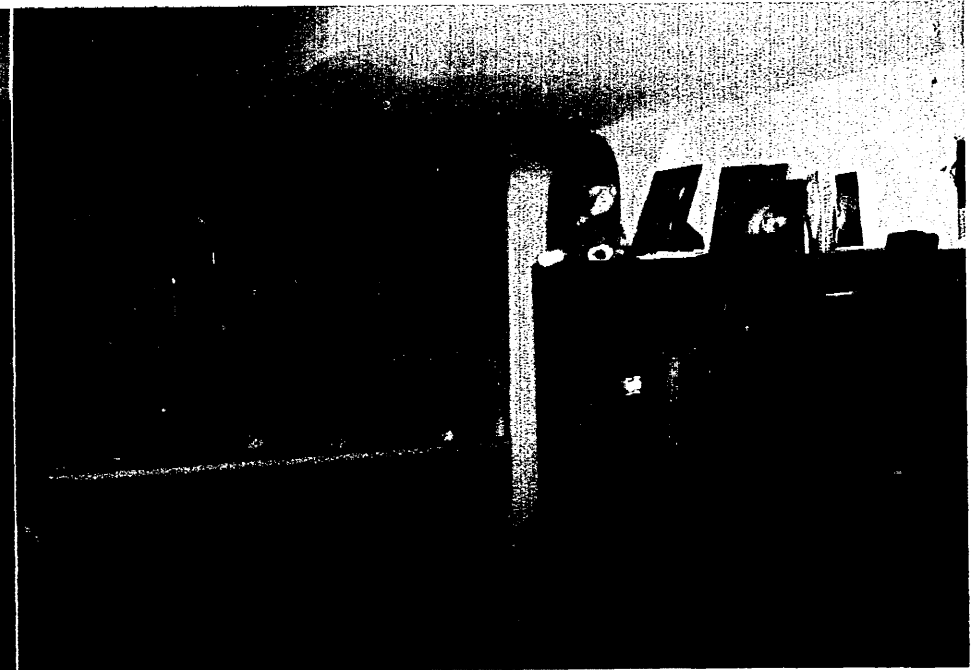
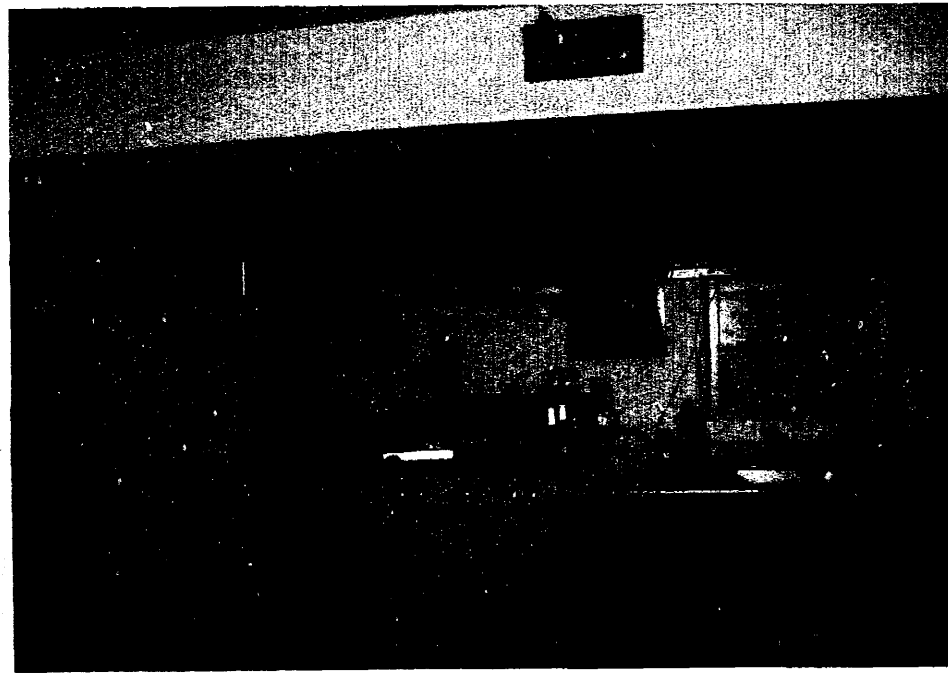
PLEASE ALLOW TIME TO THE BAY TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

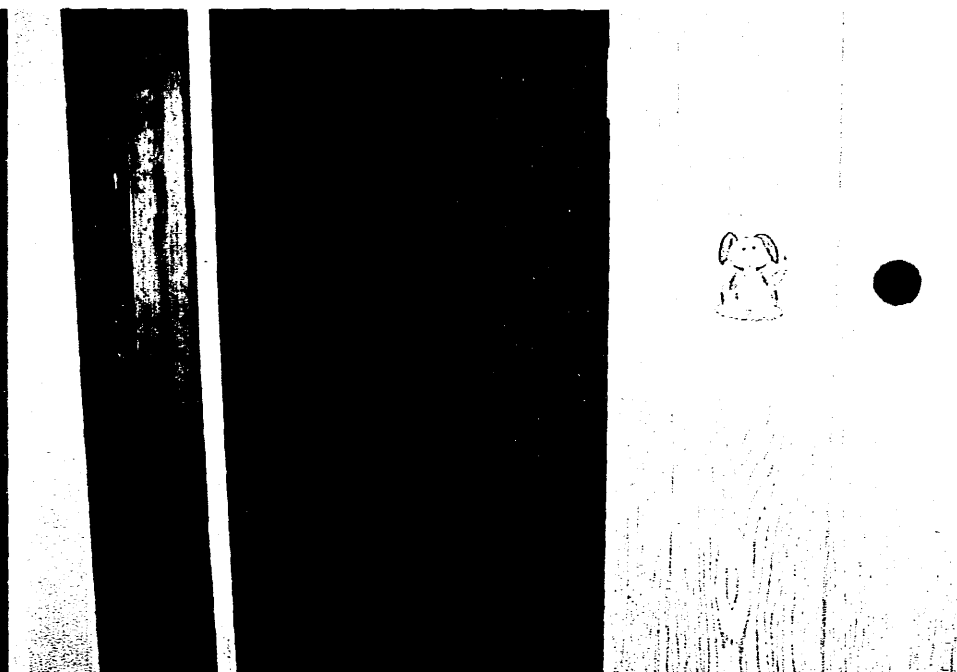
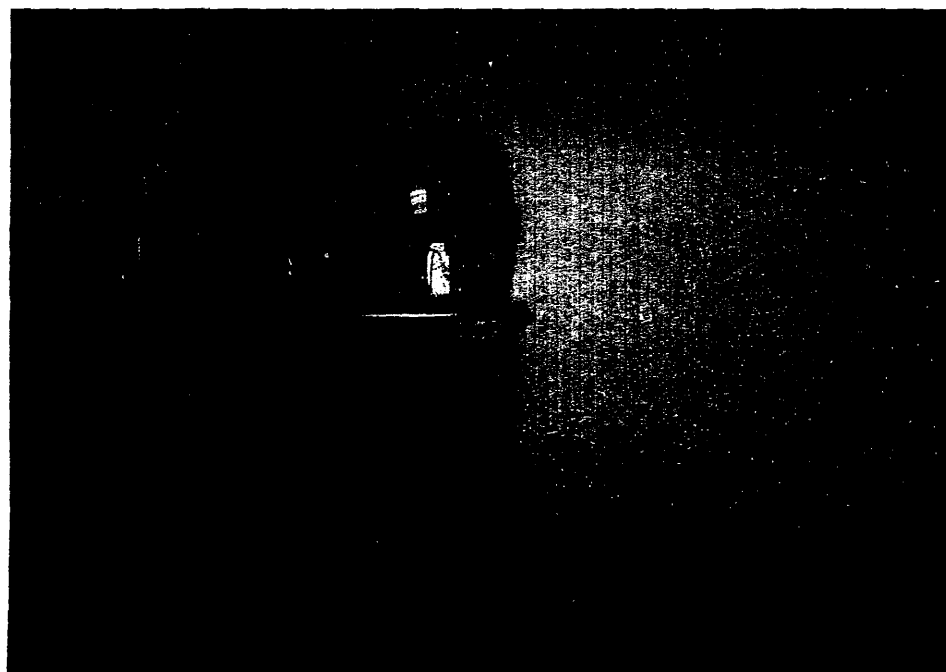
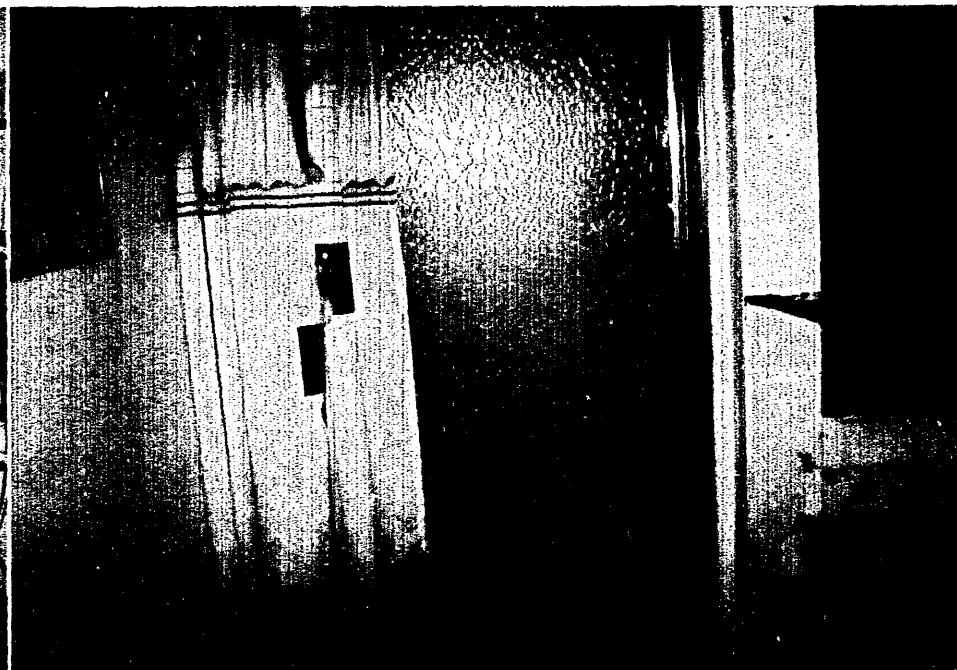
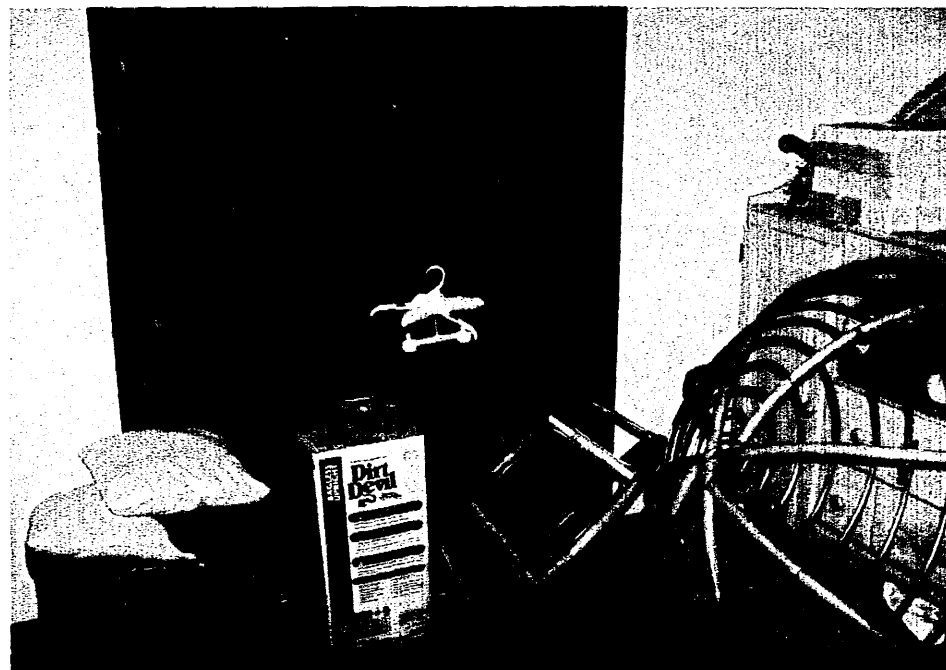
Other measurements will be made to meet local building codes.

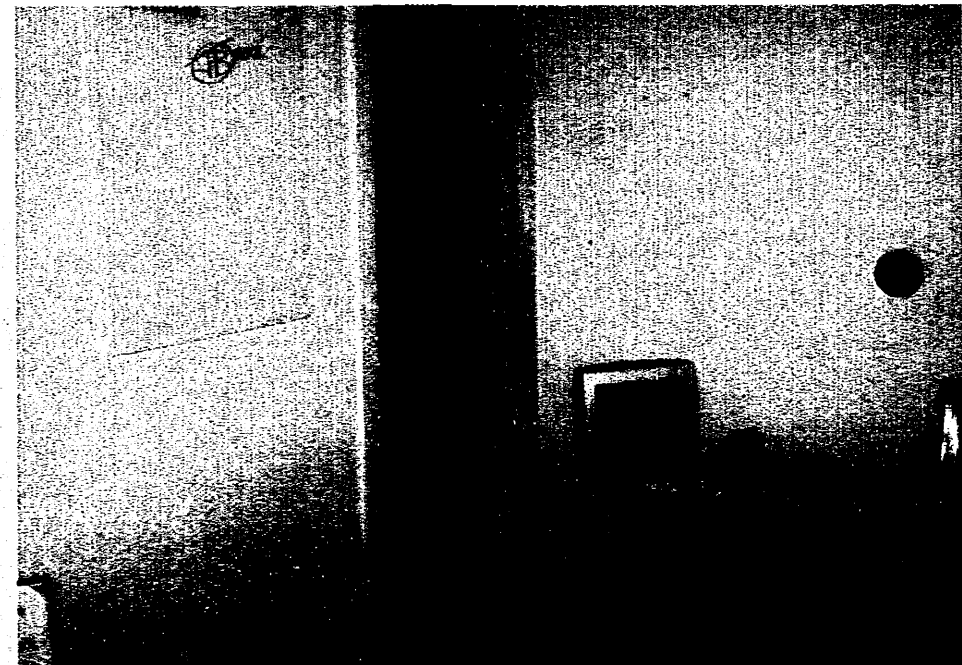
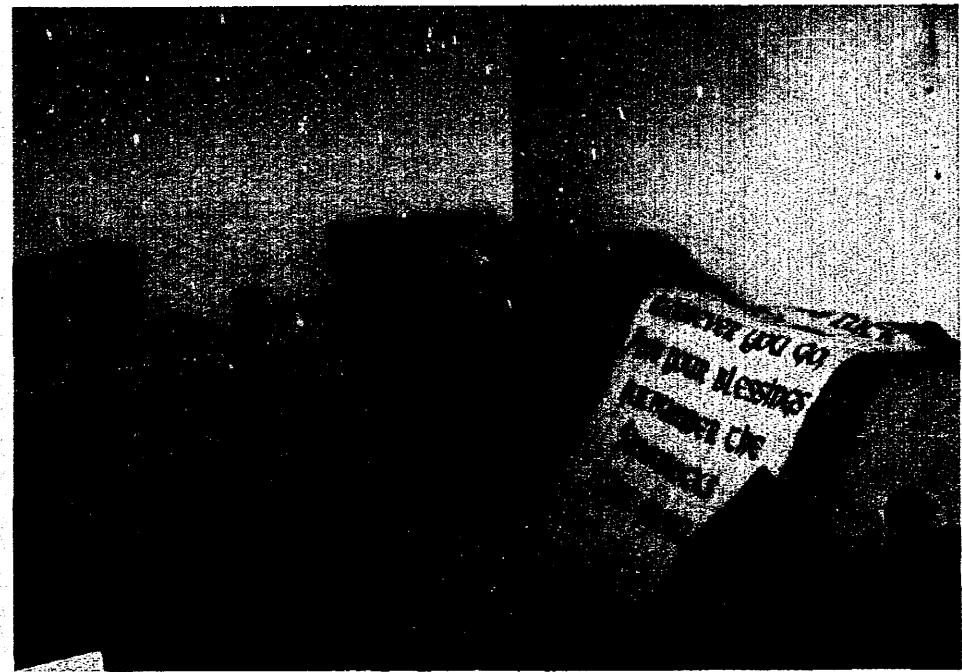
64-10000

48











Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

August 23, 2005

Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-46

Dear Ms. Thompson:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

10 Barclay Road
New Windsor, NY

is scheduled for the September 12th, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF: September 12, 2005

PROJECT: Marilyn Thompson ZBA # 05-46
P.B.#

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A____ N_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y____N____
REIS _____
KANE _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) B S) L VOTE: A 4 N 0.

GANN	A
LOCEY	A
BROWN	A
MCDONALD	
REIS	A
KANE	

CARRIED: Y ✓ N

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MARILYN THOMPSON

**AFFIDAVIT OF
SERVICE
BY MAIL**

#05-46

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 24TH day of AUGUST, 2005, I compared the 40 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

13th day of Sept., 2005

J. P. Gallagher
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

August 16, 2005

Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553

Re: 27-3-9

ZBA#: 05-46 (40)

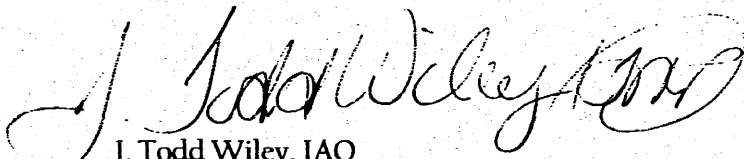
Dear Ms. Thompson:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wile, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

9-2-6

Richard Roth
3026 NYS Route 9W
New Windsor, NY 12553

23-1-49

Sheldon & Michele Stowe
14 Sunrise Terrace
New Windsor, NY 12553

23-3-7.1

Pamela Armel
13 Sunrise Terrace
New Windsor, NY 12553

23-4-16

Peter & Patricia Colombo
11 Valley View Drive
New Windsor, NY 12553

27-3-5

Elaine Dominguez
Ashley Perdomo
18 Barclay Road
New Windsor, NY 12553

27-3-8

Jacqueline Wade
12 Barclay Road
New Windsor, NY 12553

27-3-12

Lisa Lagueras Schutzman
4 Barclay Road
New Windsor, NY 12553

27-4-2

Stanley Dicks
7 Barclay Road
New Windsor, NY 12553

27-4-5

Sallie Warren
6 Farmstead Road
New Windsor, NY 12553

27-4-8

Patrick & Christene Rouzier
12 Farmstead Road
New Windsor, NY 12553

9-2-7.1 & 7.2

St. Thomas Episcopal Church
P.O. Box 4221
New Windsor, NY 12553

23-3-5

Janet Nelson
10 Valley View Drive
New Windsor, NY 12553

23-3-7.2

Marc Solomon
12 Valley View Drive
New Windsor, NY 12553

23-4-17

Ronald Olsen
13 Valley View Drive
New Windsor, NY 12553

27-3-6

Gary & Debra Williams
16 Barclay Road
New Windsor, NY 12553

27-3-10

Steven Gubler
8 Barclay Road
New Windsor, NY 12553

27-3-13

George & Deborah Green
2 Barclay Road
New Windsor, NY 12553

27-4-3

Holger & Barbara Bernhardt
5 Barclay Road
New Windsor, NY 12553

27-4-6

Nicholas Sbarra
8 Farmstead Road
New Windsor, NY 12553

27-4-9

Margaret Coloni
Han Maeng
14 Farmstead Road
New Windsor, NY 12553

9-2-8

Susan & Mark Fischer
3117 Worthington Circle
Falls Church, VA 22044

23-3-6

Alfred & Pauline Cavalari
11 Sunrise Terrace
New Windsor, NY 12553

23-4-15

Elizabeth Depuy
Robert Noe, Jr.
9 Valley View Drive
New Windsor, NY 12553

27-3-4

Helene Brandt
20 Barclay Road
New Windsor, NY 12553

27-3-7

Harshan Weerackody
14 Barclay Road
New Windsor, NY 12553

27-3-11

Paul & Virginia Casaccio
6 Barclay Road
New Windsor, NY 12553

27-4-1

Mushen & Karen Jabbour
9 Barclay Road
New Windsor, NY 12553

27-4-4

Wayne Kroll
4 Farmstead Road
New Windsor, NY 12553

27-4-7

Manuel & Luz Vazquez
10 Farmstead Road
New Windsor, NY 12553

27-4-11

Frank Volpe, Jr.
17 Barclay Road
New Windsor, NY 12553

27-4-12

Jaime Sabater
Lorraine Nee
15 Barclay Road
New Windsor, NY 12553

27-5-2.2

William & Debra Herron
3 Farmstead Road
New Windsor, NY 12553

27-5-5

Joseph & Roseann Kennedy
9 Farmstead Road
New Windsor, NY 12553

48-1-2

Mary Rose Gostony Zampino
19 Blooming Grove Tpke
New Windsor, NY 12553

27-4-13

David & Erin Slivka
11 Barclay Road
New Windsor, NY 12553

27-5-3

Andrew & Mary Gallivan
5 Farmstead Road
New Windsor, NY 12553

27-5-6

Alvin & Cynthia Wilson
11 Farmstead Road
New Windsor, NY 12553

27-5-1.2

Joseph & Fawn Accettura
1 Farmstead Road
New Windsor, NY 12553

27-5-4

Benjamin Pol
7 Farmstead Road
New Windsor, NY 12553

48-1-1

Crystal Run Village, Inc.
601 Stony Ford Road
Middletown, NY 10941

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

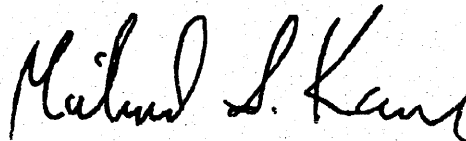
Appeal No. 05-46

Request of MARILYN THOMPSON

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or use variance for Single Family dwelling with two kitchens OR a two-family dwelling (300-90) at 10 Barclay Rd in an R-4 Zone (27-3-9)

PUBLIC HEARING will take place on SEPTEMBER 12, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-40
 Request of: MARILYN THOMPSON

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or use variance for Single Family dwelling with two Kitchens OR a two-family dwelling (S90-90) at 10 Barclay Rd in an R-4 Zone (27-3-9)

PUBLIC HEARING will take place on September 12, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
 CHAIRMAN

Ad Number: 1791406 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA MASON

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODDRIL Date: 08/24/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: TH Class: 999X; LEGAL BILLING

Schedule: Start Date - 08/27/2005 End Date - 08/27/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 27.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 49.69 Payment Method: BI Amount Paid: 0 Amount Owed: 49.69

PriceMethod: 0 (0=Normal, 1=User Met, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 08-08-05

FOR: ESCROW 05-46

FROM:

Marilyn Thompson
10 Barclay Road
New Windsor, NY 12553

CHECK NUMBER: 4992

TELEPHONE: 569-1643

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#727-2005

08/08/2005

Thompson, Mark S.
10 Barclay Road
New Windsor, NY 12553

Received \$ 150.00 for Zoning Board Fees, on 08/08/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA# 05-46



August 8, 2005

PROJECT: Marilyn Thompson

ZBA # 05-46
P.B.#

USE VARIANCE: NEED: EAF PROXY



LEAD AGENCY: M) S) VOTE: A N

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y N

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y N

NEGATIVE DEC: M) _____ S) _____ **VOTE:** A N

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) B S) Rs

VOTE: A 5 N O

GANN	A
LOCEY	A
BROWN	A
MCDONALD	
REIS	A
KANE	A

CARRIED: Y _____ N _____

PUBLIC HEARING: **STATEMENT OF MAILING READ INTO MINUTES** _____
VARIANCE APPROVED: **M)** **S)** **VOTE: A** **N** .

GANN
LOCEY
BROWN
MC DONALD
REIS
KANE

CARRIED: Y_____N_____.

This is a scan of a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

8/3/05
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 5691643
Fax Number: ()
Marilyn Thompson
(Name)
10 Barclay Rd New Windsor Ny
(Address)

II. Applicant:

Phone Number: (845) 5691643
Fax Number: ()
Marilyn Thompson
(Name)
10 Barclay Rd New Windsor Ny
(Address)

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()
(Name)
(Address)

V. Property Information:

Zone: R-4 Property Address in Question: 10 Barclay Rd New Windsor Ny
Lot Size: Tax Map Number: Section 27 Block 3 Lot 9
a. What other zones lie within 500 feet?
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 1992
d. Has property been subdivided previously? ? If so, When:
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)

RECEIVED

AUG 05 2005



ZONING BOARD PROCEDURES

BUILDING DEPARTMENT

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list - they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Our my home is in the same
state as it was when I purchased it - I don't
think it would have an adverse effect on the neighborhood
if it remained in this condition.

It is an extension of the living space of my home.
With 5 children, 2 w/ spouses, and 4 grand children -
as well as other friends and family - we have always
used our family/rec room and kitchen for parties
by the pool - ^{etc} Since my other kitchen is one flight up
from my backyard - and having had bi-lateral
knee replacement - carrying things up and down
stairs is not something I'm very good at any
more.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

*to grant a variance on existing pictures
in a one family dwelling.*

PLEASE NOTE:

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SUBMITTAL.**

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 ✓ (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 ✓ (application fee)
- ☐ One in the amount of \$ 25.00 ✓ (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

5th day of August 2005.

[Signature]
Owner's Signature (Notarized)

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

Harilyn Thompson
Owner's Name (Please Print)

[Signature]
Signature and Stamp of Notary
DL4780-155-924

Applicant's Signature (If not Owner)

PLEASE NOTE:

exp. 09-21-10

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐